

GRAND JURY PUTS BLAME ON RIXEY

Nine Presentments Against President of Failed Bank.

OTHER DIRECTORS FREE FROM WRONG

Only Criticism Is That They Placed Too Much Confidence in One Man—Report Charges Overdrawing Accounts and Making False Entries.

[Special to The Times-Dispatch.] Alexandria, Va., January 24.—A grand jury, with W. H. Sweeney as foreman, shortly before 5 o'clock this afternoon gave its report to the court in the case of the Virginia Safe Deposit and Trust Corporation. It contains nine separate presentments, among them being three for false entries made by C. J. Rixey, president of the concern, amounting to \$70,121.46, and five for overdrawing his account at various times beginning September 1, 1909, and making false and wilful statements to the State Corporation Commission concerning same. From the examination of the corporation's books, as made by the grand jury, the highest amount Rixey overdraw, according to the report, was February 28 last, this being \$19,323.81. The report in conclusion reads: "We find from the testimony that the directors, other than C. J. Rixey, are free from criminal wrong, but they placed too much confidence in one man. We are convinced that the whole management and direction of the affairs of the Virginia Safe Deposit and Trust Corporation was absolutely under the control of its president, C. J. Rixey. Judge Carter adjourned the jury until February 3 next, when the presentments will be presented to the jury against Rixey on each account. Rixey is still in at his home in Washington.

Report of Grand Jury.

"We, the grand jury, in the matter of the Virginia Safe Deposit and Trust Corporation, beg leave to report as follows: "Under date of September 1, 1909, C. J. Rixey, as president of the Virginia Safe Deposit and Trust Corporation, did certify under oath that the total overdrafts, secured and unsecured, of the said corporation amounted to the sum of \$1,377.72. He also certified that his account was not overdrawn. We find the said certified statement to be knowingly and wilfully false in both particulars, as the books of the said corporation show that upon the said date, namely, September 1, 1909, his account was overdrawn to the amount of \$4,697.26.

"Under date of November 16, 1909, C. J. Rixey, as president of the Virginia Safe Deposit and Trust Corporation, did certify to the State Corporation Commission that the total overdrafts, secured and unsecured, of said corporation amounted to the sum of \$835.21. He also did certify that his account was not overdrawn. We find the said certified statement to be knowingly and wilfully false in both particulars, as the books of the said corporation show that upon the said date, namely, November 16, 1909, his account was overdrawn to the amount of \$3,612.71.

"Under date of January 31, 1910, C. J. Rixey, as president of the Virginia Safe Deposit and Trust Corporation, did certify to the State Corporation Commission that the total overdrafts, secured and unsecured, of said corporation amounted to the sum of \$2,329.01. And he also did certify that his account was not overdrawn. We find the said certified statement to be knowingly and wilfully false in both particulars, as the books of the said corporation show that upon the said date, namely, January 31, 1910, his account was overdrawn to the amount of \$13,529.81.

"Under date of March 29, 1910, C. J. Rixey, as president of the Virginia Safe Deposit and Trust Corporation, did certify to the State Corporation Commission that the total overdrafts, secured and unsecured, of said corporation amounted to the sum of \$1,531.34. And he also did certify that his account was not overdrawn. We find the said certified statement to be knowingly and wilfully false in both particulars, as the books of the said corporation show that upon the said date, namely, March 29, 1910, his account was overdrawn to the amount of \$13,529.81.

"Under date of the day of June, 1910, on or about the 16th, C. J. Rixey did make an entry of \$50,000 in the individual deposit ledger of the Virginia Safe Deposit and Trust Corporation, and he also did certify to be knowingly and wilfully false, as no equivalent for the said entry was given the said corporation.

"Under date of November 20, 1909, C. J. Rixey did make an entry of \$14,721.46 upon the credit side of the account of the Piedmont Milling Company in the individual deposit ledger of the Virginia Safe Deposit and Trust Corporation. We find the said entry to be knowingly and wilfully false, as no equivalent for the said entry was given the said corporation.

"Under date of the day of June, 1910, between the 8th and 20th, C. J. Rixey did make an entry of \$5,000 upon the credit side of the account of Carrie F. Bekham, in the individual deposit ledger of the Virginia Safe Deposit and Trust Corporation. We find the said entry to be knowingly and wilfully false, as no equivalent for the said entry was given the said corporation.

"The total amount of alleged false entries is \$70,121.46.

UNANIMOUS VOTE FOR TARIFF BOARD

Favorable Action of Committee Pleases President

POST-OFFICE BILL PASSES HOUSE

Measure Carries Appropriation of \$257,000,000—General Criticism Indulged In—Dewey Voices Opposition to Resolution Calling for Popular Election of Senators.

Washington, January 24.—A permanent tariff board of five members to investigate all questions for the benefit of Congress is provided for in a bill unanimously agreed upon by the House Committee on Ways and Means to-day. The bill, effective July 1, contains substantially the provisions of the Longworth and Dingley bills. When the White House learned to-day that the committee had agreed unanimously to report favorably on the bill, President Taft expressed great satisfaction. The bill, it is said, will be taken up next Monday under suspension of the rules, and the White House believes it will pass. Further, it believes the bill will also pass the Senate, although Senator Bailey publicly intimated his intention to oppose it. It is understood that the present members, Chairman Henry C. Emer, J. B. Reynolds, of Massachusetts, and Alvin H. Sanders, of Chicago, will continue on the board, and the President will name two Democrats in the near future to fill the two additional places on the board.

Vote Is Unanimous.

The Democratic members of the committee voted with the Republicans for the bill, after insisting upon the insertion of a provision adding to the functions of the board the words "and shall also make investigation of any such subject whenever directed by either house of Congress," and also a provision discontinuing the existence of the present board when the present bill becomes effective, in order to avoid duplication of boards, the understanding being that the papers and files of the present body shall be transferred to the new board.

The board is to investigate costs of production of articles made subject to tariff legislation, with especial reference to prices paid domestic and foreign labor, and prices paid for raw materials whether domestic or imported, and to the conditions of markets affecting American products, together with all facts necessary or convenient in fixing import duties or in adding the President and other officers of the government in administering the laws and investigating any such subject "whenever directed by either House."

CARRIES \$257,000,000

Post-Office Appropriation Bill Passed With No Votes in Negative.

Washington, D. C., January 24.—The House passed the post-office appropriation bill carrying about \$257,000,000 this afternoon, with no votes in the negative.

The Post-Office Committee of the House, the Postmaster-General and "others higher up," including by inference the President of the United States came in for another scoring at the hands of members of the House to-day during the consideration of the bill.

The debate to-day reached its height when Representative Sisson, of Mississippi, declared with vigor: "The mail service all over the United States is in a—of a fix, to use a strong expression. And this House should take the responsibility where it belongs. Some say it is the committee; some say it is the department; and some say it is the President. The department has declined to spend the money appropriated for additional free delivery routes, and is going to turn back a surplus of \$1,700,000 from this service."

As soon as the rural free delivery service paragraph was reached in the bill, amendments to increase the pay of the rural carriers from \$900 a year, at the way to \$1,200 were offered.

Representative Bartlett, of Georgia, led the fusillade of criticism by offering an amendment to give the carriers \$1,000 a year.

Representative Austin, of Tennessee, scored the Postal Committee. He said the country ought to know where the responsibility lay. Mr. Byrns, of Tennessee, blamed the Post-Office Department, and "men higher up" for conditions in the postal service.

Mr. Edwards, of Georgia, asserted that the present administration was no friend of the rural service.

Mr. Adamson, of Georgia, declared the rural carriers were actually being robbed by the government.

Chairman Weeks declared that the reason the rural service had not been extended during the past year was on account of the precarious condition of the Treasury. He added, however, that the committee was not willing to grant carries the \$100 increase in salary.

The House then passed with a whoop an amendment providing that after July 1, 1911, the carriers should receive a salary not exceeding \$1,000 a year.

"Please do not stop until Christmas" will be permitted on mail matter in the future, if the action of the House to-day is sustained. A provision was approved allowing these extra words to be written on mail packages.

The provision is for the purpose of relieving the congestion of the mails at Christmas time.

DEPEW OFFERS AMENDMENT

Would Entitle All Male Citizens to Vote in Election for Senator.

Washington, D. C., January 24.—Opposition to the resolution now pending in the Senate, calling for the popular election of members of that body in several States, was voiced to-day by Senator Dewey, of New York. Mr.

(Continued on Seventh Page.)

SMITH GIVES UP FIGHT FOR SENATE

Facing Defeat, Releases Supporters From All Obligations.

MEANS ELECTION OF J. E. MARTINE

Leaders Freely Concede All Fruits of Notable Victory to Governor Wilson, Who Has Led in Strenuous Campaign Against Party Leader in State.

Trenton, N. J., January 24.—Unless all signs fail, James E. Martine, the farmer-statesman, of Plainfield, will be to-morrow elected United States Senator to succeed John Kean for six years from March 4 next. In both houses of the Legislature, voting separately, to-day Mr. Martine received forty of the forty-one votes necessary to elect. Thereupon, James Smith, Jr., former United States Senator and Democratic leader of New Jersey, who has been contesting with Mr. Martine for the honor of election, released his supporters and soon thereafter, such of legislators and leaders was made to shower their congratulations on Mr. Martine and on Governor Wilson, who has exerted himself in Martine's behalf and against Smith.

Mr. Martine, who, previously enough, has not been at the State Capitol since the senatorial contest began, is at his home at Plainfield, in the northern part of New Jersey, recuperating from an attack of grip.

Supporter of Bryan. Mr. Martine operates a small farm on the outskirts of the town, and takes an interest in politics. He is a firm supporter of William J. Bryan, and all his speeches show him to be radical in his views upon questions affecting the public.

Three years ago he was a candidate for the Democratic nomination for Governor, but was beaten by Frank S. Katzenbach.

Martine received thirty-one votes in the House and nine in the Senate and just as quickly came out with a statement congratulating everybody upon Martine's victory.

Leaders here concede freely to Governor Wilson all the fruits of the notable victory. From the moment the county of the November election showed that the Legislature would be Democratic, the Governor has insisted that the vote cast for Martine in the primaries preceding the general election was a command to the Legislature to elect him to the United States Senate, and that the Legislature acted in establishing the principles for which he contended. Mr. Smith and other leaders in the Democratic organization held that such a small vote was cast at the primary election that the result could not be taken as the command of the mass of Democrats in the State.

Vote in Both Houses. The total vote in both houses was as follows: Martine, 40; Smith, 10; Hamilton, 1; Stokes, 2; Griggs, 5; Governor Fort, 1; John Kean, 1. Necessary to a choice, 41.

The voting in the house was as follows: Martine, 31; Smith, 10; Representative James A. Hamilton, 1; E. D. Stokes, Republican, 13; John W. Griggs, Republican, 5.

Mr. Smith, realizing that he was beaten in his ambition to go back to the United States Senate, closed his headquarters and returned to his home in Newark. Before doing so he gave out a statement in which he released his supporters from any further obligations to stand by him, and sought to lay upon Governor Wilson the responsibilities for the election of Mr. Martine.

NO CHANGE AT ALBANY

Many Rumors Circulated as to Probable Compromise in Fight.

Albany, N. Y., January 24.—The daily ballot for United States Senator showed no change in the strength of the leading candidates, but the air to-night teemed with rumors.

The most persistent report was that the Tammany leaders had let Mr. Sheehan, Republican, stand by him until Friday, and that he did not gain the necessary twelve or thirteen votes on the next two ballots, they would begin to look for another candidate. Some of Mr. Sheehan's friends said this was too ridiculous to discuss.

Other stories circulated, of the intention of Mr. Sheehan or Edward M. Shepard, to withdraw, and of negotiations looking to the selection of a compromise candidate, could not be traced to a reliable source.

Mr. Sheehan received eighty-five votes on the sixth ballot to-day, thirteen less than was needed for election. All the other candidates got at least one vote, and the newcomer, Curtis N. Douglas, of Albany, a brother-in-law of Governor Dix, and a former State senator, received three. The list of Democratic candidates, now numbers eleven, and there is talk of fresh accessions to-morrow.

When Senator Roosevelt was asked if the "insurgents" had discussed a compromise candidate at their meeting this afternoon, he replied: "I think we have discussed about twenty-five or thirty candidates."

The Democrats who bolted the party caucus still insist that the first accessions toward a compromise should come from the majority now voting for Sheehan.

There was some alarm in the "insurgent" camp, when it became known to-night that Assemblyman Friedman, of New York, of their number, had conferred with Mr. Sheehan. Mr. Sheehan said that he had sent for Mr.

(Continued on Third Page.)

SCENE JUST AFTER NOVELIST WAS SHOT



Crowd around the body of Goldsborough, who shot David Graham Phillips. The remains are covered with a sheet and basket, and lie in front of the late Colonel Robert Ingersoll's residence. The Princeton Club is to the right.

RICHMOND-NORFOLK HIGHWAY ASSURED

Association Organized at Williamsburg Will Push Scheme.

HISTORIC SPOTS ON ROUTE

Great Enthusiasm Manifested by Delegates From Many Counties.

[Special to The Times-Dispatch.] Williamsburg, Va., January 24.—Delegates, purposeful and well-organized, seventy-five representative citizens of the several counties and cities between Richmond and Hampton, gathered in Williamsburg to-day to discuss plans, arrange details, and subscribe funds to build a practical roadway between the capital of the State of Virginia and Norfolk.

Enthusiasm marked the meeting from beginning to end, and the Newport News Chamber of Commerce made a splendid host. Probably the most striking feature of the meeting was the several addresses made by the twenty supervisors of roads in the counties through which the highway is to pass. Not a single word was wasted. Facts were dealt in. There were no attempts at flights of rhetoric or framing striking periods. Each man who held the attention of the meeting had something to tell, and he told it in plain words, but the words were freighted with meaning and carried to the auditors the message that the roadway was in sight.

L. B. Manville, reared in an atmosphere of good roads, and intimately associated with the practical work of road-building since ten years of age, told how the highway which he had at a cost not exceeding \$250 a mile. He didn't have camps, nor did he have any of the other frills and furbelows accompanying the usual road-building gangs. No time was lost in getting to and from camp, for the reason that he had two houses on wheels which advanced as the gang advanced. The men were put to sleep in the portable sleeping quarters, and when they awoke started to work, saving certainly a good two or three hours a day.

When Mr. Manville completed his talk, approval of his remarks was heard on all sides. It was the time for action, and the men gathered were ready to act. It is now positively stated that the roadway will be completed by August 1. The men who will help are not bothered about anything else. They have assumed the burden of building the road from Norfolk to Richmond, and it is up to Richmond to complete the link to Gordonsville.

Historic Spots on Route. Passing through or near four of the colonial capitals of Virginia—James-town, Williamsburg, Yorktown and Richmond—this missing link in the path to the Southland will afford to the tourist a veritable feast in the historic. Probably nowhere else in this great country could so much of the actual making of the republic be disclosed as along this highway. But added to all this is the real value to the people living along the route.

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PHILLIPS LOSES AFTER VALIANT FIGHT FOR LIFE

Novelist Succumbs to Wounds Inflicted by Assassin.

WAS CONSCIOUS ALMOST TO END

Early Indications Seemed So Favorable That Family and Friends Became Hopeful of Outcome—Real Motive of His Assailant Remains a Mystery.

New York, January 24.—David Graham Phillips has lost his brave fight for life. He died in Bellevue Hospital late to-night, a victim of Fitzhugh Goldsborough, an eccentric and emotional musician, who, although of refined taste and aristocratic Southern stock, shot the novelist down yesterday for a fancied grudge, then killed himself. Phillips fought valiantly to live, but his grit and sturdy constitution, even for his grit and sturdy constitution, and as 11 o'clock came and passed, he died.

He was conscious up to within a quarter of an hour of his death, which occurred just at five minutes past 11 o'clock. At the bedside were his sister, Mrs. Carolyn Frevert, his brother, Harrison W. Phillips, his personal physician, Dr. Eugene Fuller, and Dr. Donovan, of Bellevue. The immediate cause of death was hemorrhage of the right lung, which had been pierced by one bullet. The other bullet, from Goldsborough's automatic revolver,

Received Visitors. Up to 9 o'clock the novelist was resting quietly, and both physicians and relatives were hopeful of the outcome. He had been conscious all day, and had received visitors, among them his sister, his brother, United States Senator Beveridge, of Indiana, and several writers of note. His visits were extremely brief, but all his came away apparently optimistic. About 9 o'clock to-night the patient took a turn for the worse, and although the surgeons did everything in their power, the end seemed inevitable. The physicians concerned most directly after the death and decided to request the coroner to autopsie with an autopsy. It is believed that his request will be granted, although an autopsy is the usual thing in all homicide cases.

Harvard Phillips announced that Senator Beveridge will have charge of the funeral arrangements. The Senator returned to Washington this afternoon, but will probably come back to New York in the morning. In the meantime, it is thought that Phillips's body will be taken to the Princeton Club or to the National Arts Club.

When it was seen that Phillips was sinking it was decided to infuse into his veins a warm salt water solution, but he declined so rapidly that the suggestion was abandoned.

The coroner issued a permit late to-night for the removal of the body, without the formality of an autopsy. Senator Beveridge said over the telephone from Washington that he would be in New York early Wednesday morning.

Motive a Mystery. The assassin's real motive is as much of a mystery as ever, although the theory generally accepted is that he pictured himself and family as depicted unfavorably in Phillips's author's novels. There is doubt on this score however, for there was found this afternoon near his lodgings what appeared to be pages from Goldsborough's diary. In these he bitterly resented what he called Phillips's gallant picture of the American woman, as drawn in some of his writings. If these pages prove to be genuine, it would seem that the young musician resented not what he considered an attack on his family, but rather sought to vindicate American women as a whole. At any rate, the obsession grew until he shot the man he hated, and sacrificed his own life.

Robert Adamson, secretary to the Mayor, said this afternoon that Goldsborough had called upon him at the Mayor's office about a year ago. "He told me," said Mr. Adamson, "that he was being shadowed without cause by two private detectives who occasionally amused themselves by throwing stones at him through a window. I told him to go away, and if the annoyances were continued, to call in the police."

Goldsborough did not appear to be a violent maniac. He told me that he came from a distinguished family and that David Graham Phillips had written a novel about his family. He seemed rather pleased about the distinction of it."

Had Taken to Washington. Miss Frances Goldsborough arrived from Washington to-day, and with her cousin, John Farr, took charge of her brother's body in an undertaking establishment. The body was sent to Washington at midnight. Miss Goldsborough will leave for Washington to-morrow morning.

She declined to discuss the tragedy, but said that her family would make public a statement within the next few days. No information as to the nature of this statement could be obtained in part.

About the time of Phillips's death the district attorney's office gave out excerpts from Goldsborough's diary, found on the sidewalk near his room. It was written under date of June 11, 1910, at a time when Goldsborough was living in Gramercy Park, in an apartment which afforded a view of the apartment in the National Arts Club, occupied by the novelist and his sister, Mrs. Frevert. This entry says in part:

"I believe D. G. Phillips is trying to fake a case against me, or to do me serious bodily harm, or both. Yesterday afternoon about 5 o'clock (I think) I was sitting in my window when I noticed a pretty looking woman."

At the morning session Mr. Maury resumed his argument in behalf of the State. He again touched upon the principal points brought out in relation to the poison found in the medicine taken by Schenk, and the fact that the defendant had bought it.

Open for Accused. Frank A. O'Brien then opened for the accused. He attacked the witnesses (Continued on Third Page.)

WILL MAKE EARLY MORNING START

McCurdy Ready for Aeroplane Flight to Cuba This Morning.

Key West, Fla., January 24.—Only the weather remains an unknown quantity in the preparations finally completed here to-night by J. A. D. McCurdy, the aviator, for his aeroplane flight from Key West to Havana to-morrow morning. The wind permitting, McCurdy intends to start promptly at 7 o'clock.

The torpedo boats Roe, Terry, Drayton and Paulding are scheduled to leave Key West at midnight, to take their stations along the proposed route. The Paulding, the only one equipped with wireless sending apparatus, will be located about fifty miles out, and will indicate the weather conditions early in the morning. If the weather is favorable, word will be returned when McCurdy starts, all the other boats picking up the message, and all possible assistance to the daring aviator will be given.

For Safety of Aviator. Each of the torpedo destroyers is equipped with a platform on which McCurdy can descend if he has trouble. If an accident should precipitate him into the water his aeroplane is provided with pontoons planned to keep him afloat until one of the vessels can reach him. It is McCurdy's intention, in case of accident, to overhaul his machine on one of the naval vessels and then proceed to Havana.

A thirty-mile breeze this afternoon prevented the proposed exhibition starting at Lumbo Island, McCurdy's starting point for Havana. The aviator, however, announced his motor in perfect condition. McCurdy said to-night:

"I could have made a flight to-day, but as everything looks so bright for a successful flight to Havana to-morrow I did not think it wise to incur the risk of damaging my machine. I have no fear in making the trip across the sea, and I believe I will demonstrate that the aeroplane can be made a useful engine of war in connection with our naval vessels."

OVERTURNS PROHIBITION

O'Neil's Local Option Bill Introduced in Alabama Legislature.

Montgomery, Ala., January 24.—Governor O'Neil's local option bill, which overturns the State-wide prohibition law of Alabama and allows liquor to be sold in towns having a population of less than 10,000, was introduced in the House to-day by John V. Smith, of Montgomery, and has thrown the Legislature and the people here into a ferment of excitement. Under its provisions a State excise board is provided for, to be appointed by the Governor, and this board makes the rules and regulations that shall govern the sale of liquor under the pure food laws of the United States.

Already the lines are forming for the fight on the bill.

BEGINS 12-YEAR SENTENCE

James J. Gallagher Taken to New Jersey State Prison.

New York, January 24.—James J. Gallagher, who shot Mayor William J. Gaynor and Street Commissioner William H. Edwards on a steamship in dock at Hoboken last August, was taken to the New Jersey State prison to-day to serve twelve years at hard labor. The sentence, including also a fine of \$1,000, is for his attacking Edward J. McGowan, a police officer, in an attempt to assassinate the Mayor.

REHEARING FOR RUEF

Former Boss Will Ask Supreme Court for a New Trial.

San Francisco, Cal., January 24.—Abraham Ruef, former political boss of San Francisco, under sentence of fifteen years' imprisonment for alleged bribery of a supervisor, here liberty on \$250,000 bail, who was granted a rehearing yesterday by the Supreme Court, will appear before that body on February 6, to plead for a new trial. This date has been fixed by a supplementary order, issued by this court.